

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

NELSON RIVAS,

Petitioner,

v.

CIVIL ACTION NO. 1:18CV62
(Judge Keeley)

JOE COAKLEY,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 8]

Pending is a petition pursuant to 28 U.S.C. § 2241 filed by the pro se petitioner, Nelson Rivas ("Rivas") (Dkt. No. 1). Pursuant to the local rules, the Court referred this matter to United States Magistrate Judge Michael J. Aloï for initial screening and a report and recommendation.

On July 6, 2018, Magistrate Judge Aloï issued a Report and Recommendation ("R&R") recommending that the Court deny and dismiss the petition with prejudice (Dkt. No. 8). The R&R determined that Rivas's sole claim, while somewhat unintelligible, alleges only that he is entitled to receive payment on a certain Treasury Warrant. It therefore concluded that the petition fails to assert any factual allegations giving rise to a valid basis for relief under § 2241. Id. at 3.

The R&R also informed Rivas of his right to file "written objections identifying those portions of the recommendation to

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which objection is made and the basis for such objection." It further warned him that the failure to do so may result in waiver of his right to appeal. Id. at 4. Despite receipt of the R&R on July 9, 2018 (Dkt. No. 9), Rivas has not filed any objections.

When reviewing a magistrate judge's R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). On the other hand, "the Court may adopt, without explanation, any of the magistrate judge's recommendations to which the prisoner does not object." Dellacirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Dellacirprete, 479 F.Supp. 2d at 603-04. Consequently, finding no clear error in its reasoning, the Court **ADOPTS** the R&R (Dkt. No. 8), **DENIES** the petition (Dkt. No. 1), and **DISMISSES** this case **WITH PREJUDICE**.

It is so **ORDERED**.

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The Court **DIRECTS** the Clerk to transmit a copy of this Order to the pro se plaintiff, certified mail, return receipt requested, and to strike this case from the active docket.

DATED: July 27, 2018

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE